

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA  
CIVIL MINUTES

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**Case Title:** Kyle Curtis Ash

**Case No.:** 21-20922 - A - 13

**Docket Control No.** DPC-2

**Date:** 08/17/2021

**Time:** 9:00 AM

**Matter:** [57] - Motion/Application to Dismiss Case [DPC-2] Filed by Trustee David Cusick (isaf)

**Judge:** Fredrick E. Clement

**Courtroom Deputy:** Janice Busch

**Reporter:** Not Recorded

**Department:** A

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**APPEARANCES for:**

**Movant(s) :**

None

**Respondent(s) :**

None

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CIVIL MINUTES

**Motion:** Dismiss Case

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

**CASE DISMISSAL**

The chapter 13 trustee moves to dismiss this chapter 13 case for a delinquency in payments under the debtor's proposed chapter 13 plan. For the reasons stated in the motion, cause exists under § 1307(c)(1), (c)(4) and § 1326(a)(1)(A) to dismiss the case. Payments under the proposed plan are delinquent in the amount of \$10,850.00.